



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.04.1999
COM(1999)187 final

Amended proposal for a

COUNCIL DECISION

**on the signature by the European Community to the Agreement on the
International Dolphin Conservation Program and its provisional application**

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

The proposal for a Council Decision on the Signature by the European Community to the Agreement on the International Dolphin Conservation Program (COM (1998) 787 final of 21 December 1998) is being examined at present by the Council Working Party on the External Fisheries Policy.

The Explanatory Memorandum accompanying that proposal states that, should it take longer than expected for technical reasons for the Community to accede to the Inter-American Tropical Tuna Commission (IATTC), which manages the dolphin programme, the Agreement could be applied provisionally in the Community.

The documents relating to accession are being processed at the moment in the IATTC. However, for internal reasons in a number of countries which are members of the organisation, the timetable originally set is not now expected to be observed.

It is necessary therefore that the Community adopt the legal basis for the provisional application of the Agreement by amending the proposal for a Decision currently being studied in the Council.

The amendments concerned have been incorporated directly in the text of the original proposal as set out in COM (1998) 787 final and highlighted (underlined and put in italics).

As the text of the Agreement has not been changed it has not been included in this proposal.

Amended proposal for a

COUNCIL DECISION

on the Signature by the European Community to the Agreement on the International Dolphin Conservation Program and its provisional application

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 43 and 228(2) thereof,

Having regard to the proposal from the Commission,

- (1) Whereas the Community is competent to adopt measures for the conservation and management of fisheries resources and to enter into agreements with other countries or international organisations;
- (2) Whereas the Community is a Contracting Party to the United Nations Convention on the Law of the Sea, which requires all members of the international community to co-operate in conserving and managing the sea's biological resources;
- (3) Whereas the Community has signed the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
- (4) Whereas the 35th Intergovernmental Meeting on the conservation of tunas and dolphins in the Eastern Pacific Ocean adopted in February 1998 the Agreement on the International Dolphin Conservation Program;
- (5) Whereas the objectives of the Agreement include the progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery in the Eastern Pacific Ocean to levels approaching zero, through the setting of annual limits and the long term sustainability of the tuna stocks in the Agreement Area;
- (6) Whereas Community fishermen fish tuna stocks in the Area of the Agreement and it is in the Community's interest to play an effective role in the implementation of the Agreement;
- (7) Whereas under Article XIV of the Agreement, the Inter-American Tropical Tuna Commission is to have an integral role in coordinating the implementation of the Agreement and many implementing measures will be adopted within the framework of IATTC; whereas it is therefore necessary for

the Community to accede to the Agreement simultaneously with its accession to IATTC;

- (8) Whereas the Agreement is open to signature in Washington from 15 May 1998 until 14 May 1999 by States with a coastline bordering the Agreement Area and by States or regional economic integration organisations which are members of the IATTC or whose vessels fish for tuna in the Agreement Area while the Agreement is open to signature;
- (9) Whereas the signature and provisional application of the Agreement are the first steps towards its later approval by the Community in conformity with the relevant Treaty procedures.

HAS DECIDED AS FOLLOWS:

Article 1

The European Community shall sign the Agreement on the International Dolphin Conservation Program, which has been submitted for its approval.

The text of the Agreement is attached to this Decision as an Annex.

Article 2

In accordance with Article XXIX thereof, the Agreement shall apply provisionally in the European Community with effect from 1 June 1999.

Article 3

The President of the Council shall designate the person authorised to sign the Agreement and to notify its provisional application by the Community to the Government of the United States as Depositary of the Agreement.

Done at Brussels,

*For the Council
The President*